SCTC No. 10

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

(FOURTH LOK SABHA)

SEVENTH REPORT

Action taken by Government on the recommendations contained in the Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Finance (Bureau of Public Enterprises) and Ministry of Home Affairs---Reservations for Scheduled Castes and Scheduled Tribes in Public Undertakings.

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36.	Hind Book House, 82, Janpath, New Delhi.	95
37.	Bookwell, 4, Sant Narankari Colony, Kingsway Camp, Delhi-9.	96
	MANIPUR	
38.	Shri N. Chaoba Singh, News Agent, Ramlal Paul High School Annexe, Imphal.	77
	AGENTS IN FOREIGN COUNTRIES	
39.	The Secretary, Establishment Department, The High Commission of India, India House, Aldwych, LONDON, W.C.-2.	59

Corrigenda

to the

Seventh Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha).

Page	Line	For	Read
2	1	CHAPTER III	CHAPTER II
2	4	Para 6	Para 2.6
2	6	regret	regard
4	3	Government issue	Government could issue
6	12	(GM-I) dated	(GM-I)-2 dated
7	4	REPLLES	REPLIES
7	10	services the	services in the
10	34	Governmedt	Government
10	45	waited	awaited
12	Last line	workser	workers

CONTENTS

PAGE

COMPOSITION OF THE COMMITTEE . . . . . (iii)

COMPOSITION OF STUDY GROUP V (ON ACTION TAKEN REPORTS) . (v)

INTRODUCTION . . . . . (vii)

CHAPTER I — Report 1

CHAPTER II— Recommendations/observations that have been accepted by Government. 2

CHAPTER III—Recommendations/observations which the Committee do not desire to pursue in view of the Government's replies. 7

APPENDICES

I. O. M. No. 2 (115)/68-BPE (GM) dated 24th September, 1969 from Ministry of Finance (Bureau of Public Enterprises) to all Ministries/Departments of the Government of India regarding reservations for Scheduled Castes and Scheduled Tribes in the service under the Public Enterprises, and arrangements for ensuring implementation. . 14

II. O. M. No. 9 (2)/70-BPE (GM I)-1 dated 9th March, 1970, from Ministry of Finance (Bureau of Public Enterprises) to all Ministries/Departments of the Government of India, regarding Second Report of the Committee on the Welfare of Schduled Castes and Scheduled Tribes (4th Lok Sabha—1969). 16

III. O. M. No. 9(2)/70-BPE(GM I)-2 dated 9th March, 1970 from Ministry of Finance (Bureau of Public Enterprises) to all Ministries/Departments of the Government of India regarding Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. . 18

IV. Analysis of the action taken by Government on the recommendations contained in the Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. 20

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

Shri D. Basumatari—*Chairman*

MEMBERS

Lok Sabha

2. Shri P.C. Adichan
*3. Shri Bhagaban Das
4. Sardar Buta Singh
5. Shri Benoy Krishna Daschowdhury
6. Shri Tulsiram Dashrath Kamble
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10. Shrimati Minimata Agam Dass Guru
11. Shri Dahyabhai Parmar
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18. Shri Suraj Bhan
19. Shri Ramchandra Ulaka
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Rajya Sabha

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22. Shri Ganeshi Lal Chaudhary
23. Shri K. S. Chavda
24. Shri B. T. Kemparaj
25. Shri Lokanath Misra

---

*Elected on 22.4.1970 *vice* Shri Jaipal Singh died.

26. Shri Neki Ram
*27. Shri E.M. Sangma
†28. Shri K. P. Subramania Menon
**29. Shri Sukhdeo Prasad
30. Shri Man Singh Varma

SECRETARIAT

1. Shri B. K. Mukherjee—*Deputy Secretary.*
2. Shri J. R. Kapur—*Under Secretary.*

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*Ceased to be Member of the Committee on his retirement from Rajya Sabha with effect from 2nd April, 1970 and re-elected on 19th May, 1970.

†*Elected on 19th May, 1970 *vice* Shri B. D. Khobaragade who resigned from the Committee with effect from 27th February, 1970.

**Elected on 19th May, 1970 *vice* Shri Davaldas Kurre who ceased to be Member of the Committee on his retirement from Rajya Sabha with effect from 2nd April, 1970.

STUDY GROUP V

(On Action Taken Reports)

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (1970)

1. Shri D. Basumatari—*Chairman*
2. Shri Benoy Krishna Daschowdhury—*Convener*
3. Shri B.T. Kemparaj
4. Sardar Buta Singh
5. Shri Man Singh Varma
6. Shri Tulsiram Dashrath Kamble
7. Chawdhury Sadhu Ram
*8. Shri E. M. Sangma
9. Shri Dahyabhai Parmar.

SECRETARIAT

1. Shri B. K. Mukherjee—*Deputy Secretary.*
2. Shri J. R. Kapur—*Under Secretary.*

*Nominated *vice* Shri Dayalcas Kurre who ceased to be Member of the Committee on his retirement from Rajya Sabha with effect from 2rd April, 1970.

INTRODUCTION

I, the Chairman of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, as authorised by the Committee, do present on their behalf this Seventh Report on Action taken by Government on the recommendations of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes contained in their Second Report (Fourth Lok Sabha) on the Ministry of Finance (Bureau of Public Enterprises) and Ministry of Home Affairs—Reservations for Scheduled Castes and Scheduled Tribes in Public Undertakings.

2. On the 26th February, 1970, an "Action Taken" Study Group was appointed to scrutinise the replies received from Government in pursuance of the recommendations made by the Committee in their earlier Reports. The Study Group was constituted with the following Members:

1. Shri D. Basumatari—*Chairman*
2. Shri Benoy Krishna Daschowdhury—*Convener*
3. Shri B. T. Kemparaj
4. Sardar Buta Singh
5. Shri Man Singh Varma
6. Shri Tulsiram Dashrath Kamble
7. Chawdhury Sadhu Ram
*8. Shri Dayaldas Kurre
9. Shri Dahyabhai Parmar

3. The draft Report was considered and adopted by the Study Group at their sitting held on the 8th May, 1970 and finally adopted by the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the 19th May, 1970.

4. The Report has been divided into the following Chapters:—

I—Report

II—Recommendations|observations that have been accepted by Government.

III—Recommendations|observations which the Committee do not desire to pursue in view of the Government's replies.

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*Ceased to be member of the Committee on his retirement from Rajya Sabha with effect from the 2nd April, 1970.

5. For facility of reference the main conclusions|recommendations of the Committee have been printed in thick type in the body of the Report.

6. An analysis of the action taken by Government on the recommendations contained in the Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is given in Appendix IV. It would be observed therefrom that out of 12 recommendations made in the Report, 7 recommendations that is 59 per cent, have been accepted by the Government and the Committee do not desire to pursue 5 recommendations *i.e.* 41 per cent, in view of Government's replies.

D. BASUMATARI,

Chairman,
Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

NEW DELHI;
July 10, 1970.
Asadha 19, 1892 (*S*).

CHAPTER I

REPORT

This Report of the Committee deals with action taken by Government on the recommendations contained in the Second Report on the Ministry of Finance (Bureau of Public Enterprises) and the Ministry of Home Affairs—Reservations for Scheduled Castes and Scheduled Tribes in Public Undertakings. **The Committee commend the promptness with which the Ministry of Finance (Bureau of public Enterprises) have taken action to implement their recommendations.**

1.2. The Committee are generally satisfied with the replies furnished by the Ministry of Finance (Bureau of Public Enterprises). They would, however, like to invite the attention of the Ministry to the suggestions|observations made by the Committee in regard to recommendation at SI. No. 2 in Chapter III.

1.3. In para 3.22 of their Second Report, the Committee had recommended that Government should consider whether the percentage of reservations for Scheduled Castes and Scheduled Tribes in the services of public undertakings should not be enhanced in order to give them more adequate representation. In reply the Ministry of Finance (Bureau of Public Enterprises) have stated, inter alia, **"If the existing percentage of reservation for Scheduled Castes and Scheduled Tribes in Government services are revised upwards, on the basis of the population figures of 1961 Census or otherwise, there may not be much objection to adopting these percentage for the Public Enterprises also." In view of the fact that Government have revised upwards the percentages of reservation for Scheduled Castes and Scheduled Tribes on the basis of the population figures of 1961 Census** vide **Ministry of Home Affairs Resolution No. 27|25|68-EST(SCT) dated 25th March, 1970, the Committee suggest that Government should undertake similar revision in respect of services under public undertakings also.**

CHAPTER III

RECOMMENDATIONS|OBSERVATIONS THAT HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (Serial No. 1, Para 6)

The Committee note that the Bureau of Public Enterprises does not exercise any check on the public enterprises in regret to the implementation of the Government of India orders regarding reservation for Scheduled Castes and Scheduled Tribes. The Committee, however, note that one of the functions of the Bureau is "to provide a central point of reference and consultation on and to deal with matters of general interest, like organisational patterns, methods of management, personnel policies, etc," In view of this, the Committee feel that the Bureau of Public Enterprises should take up the responsibility of compiling information centrally in regard to the employment of Scheduled Castes and Scheduled Tribes in all the public sector enterprises against the quotas reserved for them. The Bureau of Public Enterprises should also maintain close liaison with the Ministry of Home Affairs whose instructions the public enterprises are supposed to implement. Any shortfall in the appointment of Scheduled Caste and Scheduled Tribe personnel against the quotas reserved for them should be brought to the notice of the administrative Ministries concerned by the Bureau of Public Enterprises for taking necessary remedial action.

Reply of Government

Bureau of Public Enterprises has already finalised a draft "directive" which would be issued by the various administrative Ministries to the Public Enterprises, directing the enterprises to take the necessary measures with regard to the reservations for Scheduled Castes and Scheduled Tribes in appointments to various posts under them. The "directive" was finalised in consultation with the Ministry of Home Affairs and Ministry of Law. Bureau of Public Enterprices has also instituted annual returns to be submitted by the enterprises *vide* O.M. No. 2(115)|68 BPE(GM) dated 25th September, 1969 and O.M. No. 2(115)|68-BPE(GM) dated 24-10-69 showing in detail the position about recruitment, promotion etc., of SC/ST candidates in Public Enterprises, to the Ministry of Home Affairs, with copies to Cabinet Secretariat and Bureau of Public Enterprises. The intention is that the Bureau will keep a watch over the implementation of the directive, keeping the necessary liaison with the administrative Ministries and Ministry of Home

Affairs. It may also be mentioned that it has been decided that the responsibility for implementing the "directive" should be fixed on the Head of the Department in a formal manner, both in the administrative Ministries and Public Enterprises. For this purpose, the Ministries|Departments have been advised to institute a system under which the Joint Secretary, in-charge of the Public Enterprises under their administrative control is made responsible to keep a watch over the implementation of decisions regarding representation of Scheduled Caste/Scheduled Tribes in the Public Enterprises under the control of that Ministry and also keep the Secretary informed of the progress. Similarly, the Chief Personnel Officer of a Public Enterprise whether at the Board level or below the Board level (if there is no full-time Personnel in the Board) should similarly be made responsible for the implementation and keeping the Chief Executive informed of the progress. In multi-unit enterprises the Chief Personnel Officer of each unit is to be given this responsibility in regard to implementation of the decisions in the unit. Copy of this Ministry's O.M. No. 2(115)/68-BPE(GM), dated 24th september, 1969 is enclosed (Appendix I).

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GM I) dated 9th March, 1970.]

Recommendation (Serial No. 3, Para 3.18)

The Committee are glad to note that the Ministry of Finance (Bureau of Public Enterprises) have issued orders to all the administrative Ministries, etc. to maintain statistics about the share of Scheduled Castes and Scheduled Tribes in the recruitment, promotion, etc. to maintain statistics about the share of Scheduled Castes and Scheduled Tribes in the recruitment, promotion, etc., in the Public Enterprises. They also commend the action taken by the Bureau in fixing responsibility for implementing the directives issued by Government of India regarding reservations for Scheduled Castes and Scheduled Tribes in Public Enterprises on the Head of the Department in a formal manner, both in the administrative Ministries and in Public Enterprises. The Committee trust that these measures will go a long way in enabling the Public Enterprises to give due representation to Scheduled Caste and Scheduled Tribes personnel at all levels of services.

Reply of Government

The recommendation is noted.

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GM I) dated 9th March, 1970.]

Recommendation (Serial No. 4, Para 3.19)

The Committee note that according to the advice of the Ministry of Law, Government issue directives to those companies whose Articles of Association contained a provision empowering the Government to issue directives in regard to 'affairs of the company" and that where the exprssion used in the Articles of Association of a company was "business of the company", the first step that would be necessary would be to change the Articles of Association so as to make it as "affairs of the company". The Committee regret that although the Ministry of Home Affairs have taken the initiative in drafting the necessary directive for issue to such companies, the same has not yet been finalised. The Committee would urge that the form of the directive should be settled without any further delay.

Reply of Government

The fact that the directive on the subject has been finalised and forwarded to the Secretaries of all the Departments/Ministries concerned with the Public Enterprises has already been taken note of by the Committee. (Foot note at p. 13 of the Report and Appendix IX and its enclosure refer).

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GMI) dated 9th March, 1970.]

Recommendation (Serial No. 5, Para 3.20)

The Committee hope that henceforth all the Public Sector Undertakings would maintain statistics relating to the employment of Scheduled Castes and Scheduled Tribes according to the proformae which have been devised for the purpose by the Bureau of Public Enterprises, and these should be made available to the Commissioner for Scheduled Castes and Scheduled Tribes and to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

Reply of Government

Bureau of Public Enterprises has issued necessary instructions to the Ministries/Deptts. of the Govt. of India. (copy of the O.M. No. 9(2)/70-BPE (GM-1)-1 dated 9th March, 1970—(enclosed) (Appendix II).

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GM-I) dated 9th March, 1970.]

Recommendation (Serial No. 8, Para 4.3)

The Committee take note of the statement made by the representative of the Ministry of Finance that by and large preference is given to local people, particularly the people belonging to Scheduled

Castes and Scheduled Tribes in the matter of recruitment to posts in Public Enterprises carrying a salary of less than Rs. 500/-. They also take note of his statement that according to some special circulars issued by the Government, special consideration in the matter of recruitment is given to some other categories of people such as demobilised service personnel, repatriates from Malaysia, Burma, etc. and people evicted as a result of land acquisition. The Committee would like to stress that while giving special consideration to these categories of people, due care should be taken to see that the quotas reserved for Scheduled Castes and Scheduled Tribes are not in any way adversely affected.

Reply of Government

The directive being issued to the Public Enterprises for reservation of posts for Scheduled Castes/Scheduled Tribes stipulates, in absolute terms, the percentages of reservations to be made. Consequently, the quotas reserved for Scheduled Castes/Scheduled Tribes, are not expected to be adversely affected by the preferences that may be admissible for other categories of candidates.

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GM-I) dated 9th March, 1970.]

Recommendation (Serial No. 9, Para 4.4)

The Committee hope that, as stated by the representative of the Ministry of Finance, the Public Enterprises would also consider the question of providing reservations for Scheduled Castes and Scheduled Tribes personnel at the supervisory levels also.

Reply of Government

The directive being issued to the Public Enterprises for reservation of posts for Scheduled Castes/Scheduled Tribes lays down the percentages of reservations to be made for posts in the various categories, including those corresponding to Class I and II posts under the Government. Adequate representation of Scheduled Castes/Scheduled Tribes at the supervisory levels is also thus ensured.

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GM-I) dated 9th March, 1970.]

Recommendation (Serial No. 10, Para 5.3)

The Committee are unhappy to note that a number of Public Sector Undertakings do not mention in their advertisements published in newspapers the number of posts that are reserved for Scheduled Castes and Scheduled Tribes. They feel that in order to

attract Scheduled Caste and Scheduled Tribe candidates and to give them proper representation in services under the Public undertakings, the management of Public Sector Undertakings should invariably specify the number of posts reserved for Scheduled Castes and Scheduled Tribes while advertising in newspapers and notifying the vacancies to Employment Exchanges. The Committee further suggest that these advertisements should invariably be published in all local language newspapers also.

Reply of Government

Necessary instructions to the Ministries/Departments of the Government of India concerned with the Public Enterprises have issued. (Copy of the O.M. No. 9(2)/70-BPE (GM-I) dated 9th March, 1970—copy enclosed (Appendix III).

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE (GM-I) dated 9th March, 1970.]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPILES

Recommendation (Serial No. 2, Paras No. 3.15—3.17)

The Committee are unhappy to learn from the statement made by the representative of the Ministry of Finance, quoting the opinion of the Ministry of Law that according to a Supreme Court judgment, the application of Articles 16 and 335 of the Constitution in regard to services the Public Undertakings was not mandatory. They are also unhappy that even after the opinion given by the Law Ministry, no remedial measures were taken by the Government to rectify the position. On the other hand, the Ministry of Home Affairs merely issued broad instructions for the public undertakings which, in view of the opinion of the Ministry of Law, are ineffective. The Committee, therefore, recommend that the Government should take some other steps such as a legislative enactment or a Constitutional amendment, if necessary, to remedy the situation.

The Committee regret to note that in spite of the instructions issued by the Ministry of Home Affairs in 1956, 1957, 1964 and 1968, only 39 public enterprises out of 74 (as on 31-3-1966) had responded favourably to those instructions. The position in 1968 was not any better inasmuch as there was favourable response from only 67 out of 83 public enterprises (as on 31-3-1968). Even in April, 1969, as stated by the Minister of State in the Ministry of Home Affairs in Lok Sabha, 17 out of 174 such bodies had yet to reply to the Government directives. The net result is that the Scheduled Castes and Scheduled Tribes have been deprived of the safeguards and benefits provided for them in the Constitution. The statistics quoted by the Commissioner for Scheduled Castes and Scheduled Tribes in his 17th Report are a pointer in this direction.

The Committee would like to stress that the Scheduled Castes and Scheduled Tribes should be given adequate representation in the services in Public Enterprises and necessary administrative or statutory measures should be taken so that there is no failure on the part of any public Enterprises in this respect.

Reply of Government

Ministry of Law had advised that Articles 16 and 335 of the Constitution are not applicable to Public Sector Undertakings. They

had also advised that these Undertakings were free to follow any policy they liked in this regard and could make reservations for Scheduled Castes and Scheduled Tribes in their services. Reservations have been made for Scheduled Castes and Scheduled Tribes in the services under Government in accordance with the provisions of Articles 16(4) and 335 of the Constitution which read as under:—

16(4) "Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

335 The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State."

The Ministry of Law had also advised in another reference that the Supreme Court had observed that the provisions in Article 335 as also those in Article 16(4) do not impose any obligation on the Government but merely leave it to the discretion of the appropriate Government to take suitable action if necessary. The Public Sector Undertakings not being covered by the definition of 'State' as given in Article 12 of the Constitution, the recommendation of the Committee would imply that either Article 12 of the Constitution should be so amended as to include the Public Sector Undertakings in the definition of the 'State' or the words or 'Public Sector Undertakings' should be added at the end of Article 335 (and similar addition should be made in Article 16(4) or other clauses of Article 16).

Even if amendments as above are made, reservations could be made in the services under the Public Sector Undertakings at the discretion of the respective Public Sector Undertakings and this would not impose an obligation on the Public Sector Undertakings to make reservation. Viewed in this context, the Committee's suggestion would perhaps imply making a separate mandatory provision in the Constitution so that it would then be incumbent upon the various Undertakings to make reservation for Scheduled Castes and Scheduled Tribes. However, since a mandatory provision does not exist in the Constitution even in respect of services under the Government, it would neither be necessary nor appropriate to incorporate such a provision in respect of the services of the Public Undertakings. Formal directives are being issued under Articles of Association to all Public Undertakings to implement the reservation orders for Scheduled Castes and Scheduled Tribes. Since the absence

of Constitutional provision is found to be of no handicap in providing reservations for Scheduled Castes and Scheduled Tribes in Public Undertakings, it would not be necessary to resort to any legislative enactment or a Constitutional amendment.

The Bureau of Public Enterprises has already addressed the administrative Ministries in its letter dated 18th September, 1969 forwarding a copy of the draft directive to be issued to the Public Enterprises. The draft directive contains the various measures which the Public Enterprises will be required to take to give effect to the reservations for Scheduled Castes and Scheduled Tribes in their services. As regards statutory measures, the Bureau of Public Enterprises has, after consultation with the Ministry of Law, and Ministry of Home Affairs, suggested to the Ministries as follows:—

(i) In respect of the companies whose Articles of Association provide for the issue of directive on the 'affairs' of the Company, steps should be taken to issue the directive after following the procedure prescribed by the Articles of Association for the issue of such directive, for instance, prior consultation with the Company.

(ii) In the case of other companies i.e. whose Articles of Association restrict the scope of the directive to be issued only in regard to the conduct of 'business' of the company, steps should be taken to modify the relevant Article so that the President can issue the directive.

(iii) In the case of statutory corporations where rule-making powers relating to employment, conditions of service etc. vest with the Central Government, the Central Government may make necessary amendments in the rules to ensure the necessary reservation.

(iv) In the case of the statutory bodies where in the approval of the Central Government is required for making rules relating to service conditions, the incorporation of a suitable provision reserving vacancies for Scheduled Castes and Scheduled Tribes may be made a condition precedent to the grant of the requisite approval.

(v) In the case of statutory corporations wherein under the requisite Statute, Government is entitled to issue a directive, necessary statutory direction may be issued for making reservation for Scheduled Castes and Scheduled Tribes.

(vi) In the case of Statutory corporation where Government has no power to issue any directive or to frame a rule for ensuring due representation to Scheduled Castes and

Scheduled Tribes steps may be taken in consultation with the Ministry of Law to amend the statute to confer the necessary power on Government.

Necessary measures are, therefore, already being taken in this regard.

[Ministry of Finance (Bureau of Public Enterprises O.M. No. 9(2)/70-BPE(GMI) dated 9.3.1970].

Comments of the Committee

Government may intimate to the Committee the number and names of Statutory Corporations in regard to which Government have no power to issue any directive or to frame a rule for ensuring due representation to Scheduled Castes and Scheduled Tribes without amendment of the relevant statutes and also indicate in which cases the relevant statutes have been amended and the time likely to be taken to amend all the relevant statutes.*

Recommendation (Serial No. 6, Para No. 3.21)

The Committee recommend that the Ministry of Finance (Bureau of Public Enterprises) Ministry of Home Affairs should seriously consider the suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes in his 17th Report "whether the procedure adopted in regard to dereservation of posts in the Central Government offices should not be made applicable to the undertakings/bodies also."

Reply of Government

In the directive to be issued to the Public Enterprises, procedure for de-reservation of reserved vacancies in these enterprises has already been prescribed, which is on the lines of the procedure followed in the offices of the Central Government *vide* extract from the draft directive given below:—

"'7. *Procedure for de-reservation*: Before any reserved vacancy is dereserved and filled up by a general candidate,

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*At the time of factual verification, the Ministry of Finance (Bureau of Public Enterprises) have stated as follows:

"Out of the 85 Public Enterprises of the Central Governmedt at the end of 1968-69, six have been set up under statutes; the others are companies registered under the Companies Act. As regards the Statutory Corporations, reference to which has been made by the Committee, it is seen that the statutes of five undertakings, mentioned below, permit the issue of directive and do not require any amendment for the purpose in view :

(1) Central Warehousing Corporation.
(2) Indian Airlines Corporation.
(3) Air India.
(4) Food Corporation of India.
(5) Life Insurance Corporation of India.

The requisite information about Oil & Natural Gas Commission is still waited.'

the prior approval of the Board of Directors for Class I and II posts and that of the Managing Director for Class III and Class IV posts should be obtained. The Board of Directors should be apprised from time to time the number of Class III and Class IV vacancies dereserved. The contingency for dereserving a reserved vacancy would arise only when suitable candidates of the reserved community are not available or forthcoming. The following steps will be taken to bring the reserved vacancies in the direct recruitment quota to the notice of Members of Scheduled Castes and Scheduled Tribes before they are dereserved:—

(i) Advertisement in newspapers:

xx xx

(ii) Employment Exchanges:

xx xx"

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considering the autonomy of the Public Undertakings, it would not be practicable to prescribe for them the same procedure of dereservation as would be applicable to Central Government offices. However, the procedure for dereservation as outlined above has built-in safeguard in that it enables the Board of Directors to closely examine all cases of dereservation.

[Ministry of Finance (Bureau of Public Enterprises O.M. No. 9(2)/70-BPE(GMI) dated 9.3.1970].

Recommendation (Serial No. 7, Para No. 3.22)

The Committee further recommended that Government should consider whether the percentage of reservations for Scheduled Castes and Scheduled Tribes in the services of public undertakings should not be enhanced in order to give them more adequate representation.

Reply of Government

Under the existing instructions Public Enterprises are required to make reservations for Scheduled Castes and Scheduled Tribes on the lines of the reservations in the Central Government services. Thus the same percentages of reservation as are applicable to services under Government are to be observed by these enterprises. If the existing percentages of reservation for Scheduled Castes and Scheduled Tribes in Government services are revised upwards, on the basis of the population figures of 1961 Census or otherwise, there may not be much objection to adopting these percentages for the Public Enterprises also.

It will be appreciated in this context that in the case of the Public Enterprises, which operate on commercial lines, care should be taken in imposing restrictions on their personnel policies, particularly when such restrictions are not applicable to their counterparts in the private sector.

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)|70-BPE(GM-I) dated 9-3-1970].

Comments of the Committee

Please see Chapter I (Para 1.3).

Recommendation (Serial Nos. 11-12, Paras No. 6.3-6.4)

The Committee find that in a number of Public Sector Undertakings, there is no provision for in-service/in-factory training. They feel that with a view to give opportunities to the employees, especially those belonging to Scheduled Castes and Scheduled Tribes, to improve their prospects in service, arrangements should be made for starting in-service/in-factory training in those public sector undertakings which do not provide such facilities at present.

The Committee are in agreement with the views expressed by the Yardi Working Group that the same percentage of seats as are reserved for Scheduled Castes (as also Scheduled Tribes) in services should also be reserved in training programmes being implemented within the public sector undertakings. The Committee hope that the Bureau of Public Enterprises would also issue suitable directives to the public enterprises in this regard.

Reply of Government

Many of the Public Enterprises do have facilities for in-service/in-factory training. It is, however, true that due to various reasons people belonging to Scheduled Castes/Scheduled Tribes do not get adequate opportunities to take advantage of the various training facilities established in the country, including those organised by the Public Enterprises. Even where these training agencies keep a certain percentage of seats resrved for SC/ST students, the SC/ST students cannot often times derive advantage from out of such reservation owing to lack of candidates with the basic minimum qualifications and proficiency for the training programmes. It has been accepted that the real remedy for this is to tailor courses for such candidates belonging to backward classes and have special artisan courses run for them. The Chief Executives of Public Enterprises have already been requested to review the arrangements in the concerned undertakings for running sepcial courses for SC/ST workers for improving their technical skills. They have also been advised that on the basis of the review, they should take special steps to start courses for such SC/ST workser in the unskilled category, for

imparting technical skill to them, with a view to upgrading them to skilled levels in due course. The feasibility of running custom-built courses in Industrial Training Institutes (in such places like Ranchi, Rourkela, Bhilai, etc., where there are large pockets of SC/ST people) is also being examined. These measures should go a long way in providing ample training facilities to SC/ST candidates and ultimately increasing the availability of the candidates belonging to these categories for various posts in Public Enterprises.

[Ministry of Finance (Bureau of Public Enterprises) O.M. No. 9(2)/70-BPE(GM-I) dated 9-3-1970.]

NEW DELHI;
July 10, 1970.
Asadha 19, 1892 (*S*).

D. BASUMATARI,
Chairman,
Committee on the Welfare of Scheduled Castes & Scheduled Tribes

APPENDIX I

No. 2(115)/68-BPE(GM)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

New Delhi, the 24th September, 1969.

OFFICE MEMORANDUM

SUBJECT: *Reservation for Scheduled Castes and Scheduled Tribes in the services under the Public Enterprises, and arrangements for ensuring implementation.*

The question of devising measures for ensuring adequate representation for Scheduled Castes and Scheduled Tribes in the services under the Public Enterprises has been under consideration of Government for some time. Necessary instructions have already been issued to the Ministries/Departments with the Public Enterprises under their control, asking them to have formal directives issued to these Public Enterprises for securing the desired extent of representation.

In this context, it has already been decided that the responsibility for implementing these directives should be fixed on the Head of the Department in a formal manner, both in the Administrative Ministries and Public Enterprises. In order to give effect to these requirements, the concerned Administrative Ministries/Departments are requested to institute a system under which the Joint Secretary, incharge of the Public Enterprises under their Ministries/Departments is made responsible to keep a watch over the implementation of the decisions regarding representation for Scheduled Castes/ Scheduled Tribes in the Public Enterprises under the control of that Ministry/Department, and also keeps the Secretary informed of the progress of the implementation. Similarly, the Chief Personnel Officer of a Public Enterprise whether at the Board level or below the Board level (if there is no full-time Personnel Director in the Board) should similarly be made responsible for ensuring the implementation of the decisions, and keeping the Chief Executive informed of the progress. In multi-unit enterprises, the Chief Personnel Officer of each unit should also be given this responsibility in regard to implementation of the decisions in the unit.

Sd/-

Additional Secretary to the Govt. of India, and Director-General, Bureau of Public Enterprises.

To

All Ministries/Departments of the Government of India.

Copy to:

(i) Production Division/Adviser (C)/Adviser (F)/D.S. (I&R)/ D.S. (BPE), Bureau of Public Enterprises.

(ii) Heads of Expenditure Divisions in the Deptt. of Expenditure (with two spare copies).

(iii) Comptroller & Auditor General of India.

(iv) All Public Enterprises.

Sd/-

Additional Secretary to the Govt. of India, and Director-General, Bureau of Public Enterprises.

APPENDIX II

No. 9(2)/70-BPE(GM I)-1

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

New Delhi, the 9th March, 1970.

OFFICE MEMORANDUM

SUBJECT: *2nd Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (4th Lok Sabha—1969).*

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in their Report cited above has recommended as follows:—

> "The Committee hope that henceforth all the Public Sector Undertakings would maintain statistics relating to the employment of Scheduled Castes and Scheduled Tribes according to the proformae which have been devised for the purpose by the Bureau of Public Enterprises, and these should be made available to the Commissioner for Scheduled Castes and Scheduled Tribes."

In this connection attention is invited to this Ministry's O.M. No. 2(115)/68-BPE(GM) dated 25-9-69 and O.M. No. 2(115)/68-BPE(GM) dated 24-10-1969. The copies of the Annual Returns referred to therein may also be sent to the Commissioner for Scheduled Castes and Scheduled Tribes, and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, as desired in the above recommendation.

Sd/-

Director,
Bureau of Public Enterprises.

To

All Ministries/Departments of the Government of India.

Copy to:

(i) Adviser (C)|Adviser (F)|Prodn. Division|I&R Division| D.S. (BPE)|J.D. (P).

(ii) Heads of Expenditure Divisions in the Deptt. of Expenditure (with two spare copies).

(iii) Comptroller & Auditor General of India.

Sd/-

Director,
Bureau of Public Enterprises.

APPENDIX III

No. 9(2)/70-BPE (GM I)-2

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

New Delhi, the 9th March, 1970.

OFFICE MEMORANDUM

SUBJECT: *2nd Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.*

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in their report cited above has recommended *inter alia* as follows:—

> "The Committee are unhappy to note that a number of Public Sector Undertakings do not mention in their advertisements published in newspapers the number of posts that are reserved for Scheduled Castes and Scheduled Tribes. They feel that in order to attract Scheduled Caste and Scheduled Tribe candidates and to give them proper representation in services under the public undertakings, the Management of Public Sector Undertakings should invariably specify the number of posts reserved for Scheduled Castes and Scheduled Tribes while advertising in newspapers and notifying the vacancies to Employment Exchanges. The Committee further suggest that these advertisements should invariably be published in all local language newspapers also."

The recommendation is brought to the notice of all Ministries/ Departments with the request that the Public Enterprises under their administrative control may be advised to note the recommendation for implementation in future.

Sd/-
Director,
Bureau of Public Enterprises.

To

All Ministries/Departments of the Government of India.

Copy to:

(i) Adviser (C)|Adviser (F)|Production Divn.|I. & R. Divn. DS(BPE)|JD(P).

(ii) Heads of Expenditure Divisions in the Deptt. of Expenditure (with two spare copies).

(iii) Comptroller & Auditor General of India.

Sd/-

Director,
Bureau of Public Enterprises.

APPENDIX IV

Analysis of the action taken by the Government on the recommendations contained in the Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

I.	Total number of recommendations	12
II.	Recommendations/observations that have been accepted by Government (*vide* recommendations at S. Nos. 1, 3, 4, 5, 8, 9 and 10).	
	Number	7
	Percentage to total	59
III.	Recommendations/observations which the Committee do not desire to pursue in view of the Government's replies (*vide* recommendations at S. Nos. 2, 6, 7, 11 and 12).	5
	Number	
	Percentage to total	41

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